

SECTION-XV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 12-13

(Applications for Directions)

IN

CIVIL APPEAL NO. 2965 OF 1997

STATE OF RAJASTHAN

...APPELLANT

VERSUS

THE SPENCON (I) LTD. & ORS.

...RESPONDENTS

OFFICE REPORT FOR DIRECTIONS

It is submitted that appeal above-mentioned was listed before the Hon'ble Court on 30.04.2003 when their Lordships were pleased to dispose of the appeals in terms of the Signed Order (Copy of Signed Order dated 30.04.2003 is enclosed herewith).

Thereafter, Contempt Petition filed by Counsel for the appellant for disobedience of Court's Order dated 30.04.2003 registered as C.P. No. 322 of 2003 was listed before the Hon'ble Court on 18.04.2005 when their Lordships were pleased to dismiss the same as infructuous in terms of the Signed Order. (Copy of Signed Order dated 18.04.2015 is enclosed).

It is submitted that Counsel for the appellant has filed two separate applications for directions Registered as I.A. Nos. 12 & 13 and the same were listed before the Hon'ble Court on 25.2.2011 when the Court was pleased to pass the following order:

"Issue notice to Jitendra Patel, who has filed a guarantee before this Court for a sum of Rs. 55,23,548/- to be served through the High Commission, Kenya."

..2..

Accordingly, notice was issued to Mr. Jitendra Patel through the High Commission, Kenya. But neither A.D. Card nor unserved registered cover has been received back so far. Pursuant to Ld. Registrar's Court's Order dated 18-09-2012, fresh notice was again issued to Mr. Jitender Patel through High Commission, Kenya and a letter alongwith Statement of Notice dated 14.11.2012 has been received back from the High Commission of Republic of Kenya stating therein that process the said notice through channels available between the governments.

The applications above-mentioned alongwith letter received from High Commission, Kenya dated 14.11.2012 were listed before the Ld. Registrar's Court for several times and lastly listed before the Ld. Registrar's Court on 25.07.2013 when the following order was passed:

"The appellant has not taken steps in spite of last chance granted. However, I am inclined to grant four more weeks time subject to condition that he takes steps and deposits a sum of Rs. 500/- in the Supreme court Legal Services Committee as cost within four weeks. If the above conditions are not satisfied, list the matter before the Hon'ble Judge in Chambers for non-prosecution. If steps are taken, issue notice. Await return of notice.

List the matter 30.08.2013."

It is further submitted that pursuant to Order quoted above, Counsel for the appellant has neither deposited the cost nor taken any steps to serve the notice to the respondent, the matter was listed before the Hon'ble Judge-in-Chambers on 30.07.2014 with Office Report on default when the following order was passed:

"As requested, one week's time, as a last chance,

..3..

..3..

is granted to deposit the amount as directed by the court and to take steps to serve upon the unserved respondents"

It is further submitted that pursuant to Order quoted above, Counsel for the appellant has still neither deposited the cost nor taken any steps to serve the notice to the respondent. The Office Reports on default was listed before Hon'ble Judge-in-Chambers on 15.12.2014, 16.02.2015, 23.02.2015 & 20.03.2015 and lastly, the Office Reports on default was listed before Hon'ble Judge-in-Chambers on 17.04.2015 when the Court was pleased to pass the following Order:

"Two weeks' time is granted to learned counsel for the appellant to file proof of deposit of costs with the Supreme Court Legal Services Committee. List thereafter."

It is lastly submitted that Counsel for the appellant has neither taken any steps to serve the Notice to Mr. Jitendra Patel residing in Nairobi, Kenya nor filed proof of deposit of cost with Supreme Court Legal Services Committee so far.

Hence, the applications above-mentioned are listed before the Hon'ble Court alongwith Office Report for Soliciting Orders/directions.

Dated this the 4th day of August, 2015.

ASSISTANT REGISTRAR

Copy to: 1. Mr. Ruchi Kohli, Adv.
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ASSISTANT REGISTRAR